

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Document Relates To:

Bellwether III Cases
Case No. 17-10164

_____/

**STIPULATION REGARDING
DEADLINES FOR BELLWETHER III TRIAL**

Bellwether III Plaintiffs and Defendants Veolia Water North America Operating Services, LLC, Veolia North America, Inc., and Veolia North America, LLC (the “VNA Defendants”) have conferred about modifications to the current Bellwether III scheduling deadlines (ECF No. 2642). The parties reached agreement on certain deadlines but were at an impasse as to other deadlines. At the November 29, 2023 conference, the Court addressed the disputes and adopted the following deadlines:¹

¹ N/A is filled in where a new deadline is unnecessary as the event has already passed.

DR. CRAKES AND DR. RUSSELL/ RESPONSIVE TO²

<u>Event</u>	<u>Current Deadline / Date Range</u>	<u>New Deadline/Deadline Range</u>
Defendants' Expert Reports and Disclosures (for experts not responsive to Dr. Bithoney ("Group A Defense Experts"))	July 26, 2023	n/a
Plaintiffs' Reply Expert Reports (for those who are responsive to Group A Defense Experts)	September 19, 2023	n/a
Defendants' Reply Expert Reports (for Group A Defense Experts)	October 30, 2023	n/a
Defendants' Expert Depositions (of Group A Defense Experts) (shall be limited only to those experts for whom the parties submit new or additional reports)	November 1, 2023 to December 6, 2023	November 1, 2023 to December 15, 2023, <i>except Dr. Gagnon</i>
Deposition of Dr. Gagnon	n/a	January 2, 2024 to January 29, 2024

² The following six (6) VNA experts submitted reports in response to the Russell and Crakes reply reports: Bellamy, Crowe, Gagnon, Lundstrom, Masters, and Segreve. **Note:** Segreve also responds, in part, to Hoffman and Krishnan. As such, Krishnan and Hoffman will reply, and Segreve will be deposed with the defense experts responsive to Krishnan and Hoffman.

<u>Event</u>	<u>Current Deadline / Date Range</u>	<u>New Deadline/Deadline Range</u>
Plaintiffs' Reply Expert Report Depositions (for those who are responsive to Group A Defense Experts)	November 1, 2023 to November 27, 2023	n/a

DR. SPECHT/ RESPONSIVE TO³

<u>Event</u>	<u>Deadline/ Date Range</u>	<u>New Deadline/Deadline Range</u>
Dr. Specht MATLAB code delivered (in different format)	September 5, 2023	n/a
Dr. Specht Deposition	September 25, 2023 through September 29, 2023	n/a
Defendants' Expert Report and Disclosure -- response to Dr. Specht	October 27, 2023	n/a
Plaintiffs' Reply Expert Report -- replying to response to Dr. Specht	November 13, 2023	December 11, 2023
Defendants' Reply Expert Report -- response to Dr. Specht	November 27, 2023	January 8, 2024

³ The following seven (7) VNA experts respond to Specht: Huber, Schultz, Banner, Benson, Finley, Greenberg, and Nelson. However, Huber and Schultz are the only VNA experts who respond exclusively to Specht. As such, only Huber and Schultz will serve reports and be deposed during the periods outlined in this section.

<u>Event</u>	<u>Deadline/ Date Range</u>	<u>New Deadline/Deadline Range</u>
Defendants' Expert Deposition -- response to Dr. Specht (shall be limited to new or additional reports)	November 29, 2023 to December 13, 2023	January 15, 2024 to February 2, 2024 Huber and Schultz will be deposed before Specht as the court's initial schedule contemplates. <i>See, e.g., ECF 2533 & 2179.</i>
Plaintiffs' Reply Expert Report Depositions -- of Dr. Specht	December 18, 2023 to December 22, 2023	January 15, 2024 to February 2, 2024 Huber and Schultz will be deposed before Specht as the court's initial schedule contemplates. <i>See, e.g., ECF 2533 & 2179.</i>

**DR. BITHONEY & SAMPLE/ RESPONSIVE TO
AND
DR. KRISHNAN AND DR. HOFFMAN/ RESPONSIVE TO⁴**

<u>Event</u>	<u>Deadline/ Date Range</u>	<u>New Deadline/Deadline Range</u>
Due Date for Dr. Bithoney Replacement Expert Report and Complete Disclosure	August 16, 2023	n/a
Depositions of Plaintiffs' Experts (Dr. Bithoney and Replacement of Dr. Bithoney) +Defendants' IMEs of Plaintiffs (if needed)	September 18, 2023 to October 9, 2023	n/a
Defendants' Expert Reports and Disclosures (for experts responsive to Dr. Bithoney or Dr. Bithoney replacement ("Group B Defense Experts"))	October 27, 2023	n/a
Plaintiffs' Reply Expert Reports (for those who are responsive to Group B Defense Experts) <i>And Dr. Krishnan-Jourdan & Dr. Hoffman</i>	November 13, 2023	January 15, 2024

⁴ The following ten (10) VNA experts respond to Bithoney, Sample, Krishnan, and/or Hoffman: Banner, Benson, Finley, Greenberg, McCaffrey, Nelson, Putnam, Thompson, Segreve, and Weed. Note: As set forth above, Banner, Benson, Finley, Greenberg, and Nelson also respond to Specht. As such, those experts who also respond to Specht will serve reply reports on the later deadline (for reply reports responsive to Bithoney, Sample, Krishnan, and Hoffman). In addition, these VNA experts will be deposed during the latter deposition period (not the Specht deposition period).

<u>Event</u>	<u>Deadline/ Date Range</u>	<u>New Deadline/Deadline Range</u>
Defendants' Reply Expert Reports (for Group B Defense Experts) <i>And responsive to Dr. Krishnan-Jourdan & Dr. Hoffman</i>	November 27, 2023	January 29, 2024
Defendants' Expert Depositions (of Group B Expert Reports) (shall be limited only to those experts for whom the parties submit new or additional reports) <i>And responsive to Dr. Krishnan-Jourdan & Dr. Hoffman</i>	November 20, 2023 to December 11, 2023	January 29, 2024 to March 15, 2024 Defense experts will be deposed first, as the court's initial schedule contemplates. <i>See, e.g., ECF 2533 & 2179.</i>
Plaintiffs' Reply Expert Report Depositions (for those who are responsive to Group B Defense Experts) <i>And responsive to Dr. Krishnan-Jourdan & Dr. Hoffman</i>	December 13, 2023 to December 20, 2023	January 29, 2024 to March 15, 2024 Defense experts will be deposed first, as the court's initial schedule contemplates. <i>See, e.g., ECF 2533 & 2179.</i>

REMAINING DEADLINES

<u>Event</u>	<u>Current Deadline/ Date Range</u>	<u>New (where applicable) Deadline/Deadline Range</u>
Daubert and Summary Judgment Motions	December 29, 2023	March 22, 2024 ⁵
Daubert and Summary Judgment Response Briefs	February 5, 2024	April 3, 2024
Daubert and Summary Judgment Reply Briefs	February 19, 2023	April 18, 2024
Oral Argument on Daubert Motions	April 22, 2024 2:00pm cont'd if needed on April 23, 2024 2:00pm	May 27, 2024 2:00pm cont'd if needed on May 28, 2024 2:00pm
Oral Argument on Summary Judgment Motions	April 24, 2024 2:00pm cont'd if needed on April 25, 2024 2:00pm	May 29, 2024 2:00pm cont'd if needed on May 30, 2024 2:00pm
Deadline for Parties to Submit Joint Proposed Jury Questionnaire to the Court (via e-mail)	July 15, 2024	June 24, 2024

⁵ An alternate, later, Daubert Motion Briefing schedule will be imposed for the experts whose depositions fall at the end of the discovery period.

<u>Event</u>	<u>Current Deadline/ Date Range</u>	<u>New (where applicable) Deadline/Deadline Range</u>
Status Conference on Jury Questionnaire Content	July 22, 2024 at 2:00pm	June 26, 2024 at 2:00pm
Motions in Limine—Opening Briefs	July 29, 2024	July 1, 2024
Motions in Limine—Response Briefs	August 12, 2024	July 15, 2024
Motions in Limine—Reply Briefs	August 19, 2024	July 29, 2024
Deadline for Parties to Ship 200 copies of Juror Questionnaires to Judge Levy’s Chambers in Ann Arbor, Michigan	September 6, 2024	September 6, 2024
Hearing on motions in limine (the Court will notify the parties in advance as to which motions will be argued)	September 12, 2024 10:30am	September 12, 2024 10:30am

<u>Event</u>	<u>Current Deadline/ Date Range</u>	<u>New (where applicable) Deadline/Deadline Range</u>
Summoned Jurors to Courthouse to Answer Questionnaires (Court Staff Only) (Jury Department takes approximately one week to process questionnaires and make them available to counsel and the Court)	September 12, 2024 10:30am	September 12, 2024 10:30am
Deposition Designations (due for exchange between parties)	Parties to propose deadline	Parties to propose deadline
Objections to Deposition Designations and Counter-Designations (due for exchange between parties)	Parties to propose deadline	Parties to propose deadline
Deadline for Submitting Deposition Designations Matrices and Highlighted Transcripts to the Court (via e-mail)	September 16, 2024	September 16, 2024
Parties to File Jointly Proposed Jury Instructions and Verdict Form	September 16, 2024	September 16, 2024

<u>Event</u>	<u>Current Deadline/ Date Range</u>	<u>New (where applicable) Deadline/Deadline Range</u>
Parties to Submit Joint Final Pretrial Order (use Utilities function in CM/ECF and e-mail)	September 16, 2024	September 16, 2024
Parties to Submit Jointly Proposed Voir Dire Questions and Joint Statement of the Case (via e-mail)	September 20, 2024	September 20, 2024
Status Conference Regarding Excusals Based on Jury Questionnaire Responses	TBD	TBD
Final Pretrial Conference and Hearing on proposed Jury Instructions and Verdict Form	September 23, 2024 10:30am cont'd if needed on September 24, 2024 10:30am	September 23, 2024 10:30am cont'd if needed on September 24, 2024 10:30am
Deadline for Court to Inform Jury Dept of Excusals Based on Questionnaires (Court Staff Only)	October 2, 2024	October 2, 2024
Hearing Regarding Misc. Pretrial Matters (if needed)	October 7, 2024	October 7, 2024

<u>Event</u>	<u>Current Deadline/ Date Range</u>	<u>New (where applicable) Deadline/Deadline Range</u>
First Day of Trial/Voire Dire	October 8, 2024	October 8, 2024

Dated: December 1, 2023

Respectfully submitted,

/s/ Corey M. Stern

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